

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CRIMINAL NO. 08-1669 JB |
| |) | |
| RICHARD ANTHONY MCKENZIE, |) | |
| |) | |
| Defendant. |) | |

**UNOPPOSED
MOTION TO CONTINUE TRIAL SETTING
SCHEDULED FOR OCTOBER 19, 2009**

The United States of America moves this Court for an Order continuing the current trial setting and as grounds therefore, submits the following:

1. Trial in the above listed matter is currently set for October 19, 2009.
2. On August 20, 2009, the Court conducted a Suppression Hearing in the above listed matter. The Court has yet to rule on Defendant's Motion to Suppress Evidence.
3. On September 11, 2009, Defendant McKenzie filed a Motion asking the Court to Compel Production of Witnesses and Documents. [48].
4. The United States intends to file an unopposed motion asking the Court to extend the deadline until October 23, 2009, by which to file a response to Defendant's Motion to Compel Production of Witnesses and Documents.

5. Should the Court grant the United States' Motion to extend the deadline by which to respond to Defendant's Motion, the Defendant will be entitled to additional time to reply to the United States' Response and the Court may decide to schedule a hearing to consider the Defendant's Motion to Compel Production of Witnesses and Documents.
6. Defense Counsel for Defendant McKenzie, Alonzo Padilla, does not oppose this motion.

WHEREFORE, the United States respectfully requests that this Court continue Trial currently scheduled for October 19, 2009, for an additional 60 days to allow the outstanding issues to be resolved.

Respectfully submitted,

GREGORY J. FOURATT
United States Attorney

Electronically filed on September 24, 2009

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I HEREBY CERTIFY that on the 24th day of September, 2009, the foregoing pleading was electronically filed through the CM/ECF system, which caused counsel of record for defendant, to be served by electronic means.

/s/
DAMON P. MARTINEZ
Assistant U.S. Attorney